

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

COREY L. YATES,)	
)	
Petitioner,)	
v.)	No. 1:07-cv-985-SEB-DML
)	
MARK LEVANHAGEN,)	
)	
Respondent.)	

ENTRY

This cause is before the court on petitioner Yates' motion for change of judge. That motion was filed on July 1, 2011, and follows the entry of final judgment on November 19, 2007, and the filing and denial of various post-judgment motions. The action was reassigned to the docket of the undersigned from that of Judge Hamilton on September 28, 2010.

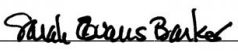
The petitioner supports his motion for change of judge by (1) re-asserting that his continued imprisonment is unlawful, and (2) expressing his view that the undersigned is biased against him based on his race.

The motion for change of judge is an enigma. It cites no statutory basis for the relief which is sought and is bereft of even a hint of how it could be thought timely 3½ years after the action was dismissed (by order of a different Article III Judge) and with no post-judgment motion pending or now possible. Apart from these deficiencies, there is a general presumption that a court acts according to the law and not personal bias or prejudice. *Withrow v. Larkin*, 421 U.S. 35, 47 (1975). Neither judicial rulings nor opinions formed by the judge as a result of current or prior proceedings constitute a basis for recusal "unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky v. United States*, 510 U.S. 540, 555 (1994). No post-judgment ruling in this action has been of such a character, and no extra-judicial source of bias has been identified or could be identified by a reasonable, well-informed observer.

The petitioner's motion for change of judge [61] is **denied**.

IT IS SO ORDERED.

Date: 07/14/2011


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Corey Yates
DOC #892166
Westville Correctional Facility
5501 S. 1100 W.
Westville, IN 46391